

PATENT COOPERATION TREATY

PCT/FR2003/003219



Translation

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 1777/wo	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/FR2003/003219	International filing date (day/month/year) 29 octobre 2003 (29.10.2003)	Priority date (day/month/year) 30 octobre 2002 (30.10.2002)
International Patent Classification (IPC) or national classification and IPC C09D 183/06		
Applicant EUROCOPTER		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 4 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 26 mai 2004 (26.05.2004)	Date of completion of this report 11 January 2005 (11.01.2005)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/FR2003/003219

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
 pages _____ 1-4 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the claims:
 pages _____, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages _____ 1-24 _____, filed with the letter of _____ 20 October 2004 (20.10.2004)
- ☐ the drawings:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

- These elements were available or furnished to this Authority in the following language _____ which is:
- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/FR 03/03219

I. Basis of the report

1. This report has been drawn on the basis of *(Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.)*:

The subject matter of independent claims 1 and 9 of the application extend beyond the content of the application as filed, since the amendments made to these claims are not supported by the application as filed (PCT Article 34(2)(b)). The passages cited by the applicant (page 2, lines 1-23) only concern preferred mould-release agents, the scope of which is far more limited than the claimed subject matter. Similarly, the product claims 1-7 as filed cannot be used as a basis for the methods claimed in claims 9-24 relating to the use thereof. Moreover, the thickness of the mould-release agent (see claim 16) is not disclosed in the application as filed.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/FR 03/03219

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-24	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-24	NO
Industrial applicability (IA)	Claims	1-24	YES
	Claims		NO

2. Citations and explanations

Reference is made to the following documents:

D1: US-A-5650453
D2: WO-A-0206030
D3: WO-A-0077083
D4: EP-A-0473995
D5: EP-A-0476925
D6: EP-A-1 215 254

The subject matter of claims 1 and 2 of the application does not involve an inventive step (PCT Article 33(3)) with regard to the obvious uses, as mould-release agents (see D2, passages cited in the search report), of the release materials described in documents D1 and D3-D6 (see the passages cited in the search report, in particular the examples). The applicant's attention is drawn to the fact that a non-disclosed use of a known product does not automatically confer an additional feature to said product. The subject matter of claims 3-7 of the application does not involve an inventive step (PCT Article 33(3)) over the known prior art, for example D1, since the use of the mixtures of a monovinyl ether and a divinyl ether or epoxide polydimethylsiloxanes is suggested in claim 1. It should also be noted that the

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/FR 03/03219

application does not contain any evidence (for example, comparative tests) from which it could be deduced that a more specific problem than that of providing alternative mould-release agents with good properties has been solved by the subject matter of the claims concerned. It should also be noted that applying a coating with a porous instrument such as a wipe or a cloth (see claim 8) appears to be commonplace.